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Trade The News, Inc.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THEFLYONTHEWALL.COM, INC.,

Plaintiff,

v.

TRADE THE NEWS, INC.,

Defendant.

Civil Action No. 07 CV 9612 (CM)(GWG)

**DECLARATION OF BARRY M.  
BENJAMIN IN SUPPORT OF MOTION  
TO DISMISS COMPLAINT**

I, BARRY M. BENJAMIN hereby declare as follows:

1. I am a member of the firm DAY PITNEY LLP, attorneys for Defendant Trade the News, Inc. (“Defendant” or “TTN”). I submit this Declaration in support of Defendant’s Motion to Dismiss the Complaint of Plaintiff TheFlyonthewall.com, Inc. (“Plaintiff” or “The Fly”) dated October 29, 2007, and for such other and further relief as this Court deems just and proper. I have personal knowledge of the facts set forth herein, unless otherwise indicated.

2. Attached hereto as Exhibit A is a true and correct copy of the Complaint.

I declare under penalties of perjury that the foregoing is true and correct.

Date: December 10, 2007

/s/ Barry M. Benjamin

Barry M. Benjamin (BMB 7350)

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